

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**THEODORE LUCIO, et al.,**

Plaintiffs,

v.

**EDW. C. LEVY CO., et al.,**

Defendants.

\* Case No. 3:15-cv-00613-JJH

\* JUDGE JEFFREY J. HELMICK

\* **PLAINTIFFS' MEMORANDUM IN  
OPPOSITION TO DEFENDANTS  
JOINT MOTION FOR EXTENSION OF  
TIME TO IDENTIFY EXPERT  
WITNESSES**

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Plaintiffs Theodore Lucio, et al., by and through counsel, respectfully enter their opposition to Defendants Edw. C. Levy Co.'s and North Star BlueScope Steel, LLC's joint motion for extension of time to identify expert witnesses. Defendant Edw. C. Levy Co. has, in this case, made continued mischaracterizations regarding the applicability of various state, federal, and industrial standards to slag mills (in contravention to its own fact witnesses) in an effort to mischaracterize Plaintiffs' negligence case as well as to exclude Plaintiffs' expert, Michael Wright. Meanwhile, having now acknowledged the lack of expert participation in both the summary judgment briefing and the *Daubert* challenge, it is clear that Edw. C. Levy Co.'s representations are not supported by expert testimony.

In the interest of fairness, Plaintiff should have the opportunity to conduct all liability discovery to determine what, if any, basis actually exists to support particularly Defendant Edw. C. Levy Co.'s various motions and accompanying representations. For these reasons, Plaintiffs pray—at a minimum—for the relief outlined in the undersigned's

May 19, 2016 correspondence<sup>1</sup>: the name(s) of the expert(s); copies of all CVs; information regarding date of retention; a list of information reviewed by the expert(s); and a brief outline of opinions held by each expert. Certainly, such compliance would come at minimal expense and would afford Plaintiff the opportunity to continue to build his case.

Respectfully submitted,

**GALLON, TAKACS, BOISSONEUALT  
& SCHAFFER CO., L.P.A.**

By: /s/ Kevin J. Boissoneault

Kevin J. Boissoneault  
Jonathan M. Ashton  
3516 Granite Circle  
Toledo, OH 43617  
(419) 843-2001  
(419) 841-2608 (FAX)  
[kboisson@gallonlaw.com](mailto:kboisson@gallonlaw.com)  
[jashton@gallonlaw.com](mailto:jashton@gallonlaw.com)  
Attorneys for Plaintiffs

**CERTIFICATION OF FILING AND COMPLIANCE**

I hereby certify that on this 25<sup>th</sup> day of May, 2016, a copy of the foregoing *Plaintiffs' Memorandum in Opposition to Defendants' Joint Motion for Extension of Time to Identify Expert Witnesses* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

By: /s/ Kevin J. Boissoneault

Kevin J. Boissoneault  
Jonathan M. Ashton

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<sup>1</sup>Exhibit A to Defendants' Joint Motion